



**AMENDMENT NO. 3
TO AGREEMENT NO. WQC-2019-EverPW-00051
BETWEEN
THE STATE OF WASHINGTON DEPARTMENT OF ECOLOGY
AND
City of Everett**

PURPOSE: To amend the above-referenced agreement (AGREEMENT) between the state of Washington Department of Ecology (ECOLOGYY) and City of Everett (RECIPIENT) for the Reduction of CSOs at Two Snohomish River Outfalls (PROJECT).

This amendment will close out the AGREEMENT and deobligate all remaining funds. All deliverables for the PROJECT were successfully completed without utilizing all of the funds originally allocated. The AGREEMENT Total Eligible Cost (TEC) will be reduced by \$132,062.05, from \$1,673,550.00 to \$1,541,487.95 in Stormwater Financial Assistance Program (SFAP) funding and SFAP Green Retrofit Incentive funding.

1. Funding distribution number EG190415 (SFAP Green Retrofit Incentive): TEC will be reduced by \$9,736.13, from \$247,550.00 to \$237,813.87. The Ecology funding will be reduced by \$9,736.13, from \$247,550.00 to \$237,813.87.

2. Funding distribution number EG190414 (Stormwater Financial Assistance Program (SFAP)): TEC will be reduced by \$122,325.92, from \$1,426,000.00 to \$1,303,674.08. The Ecology funding will be reduced by \$91,744.44, from \$1,069,500.00 to \$977,755.56.

IT IS MUTUALLY AGREED that the AGREEMENT is amended as follows:

Total Cost:

Original: 1,673,550.00 Amended: 1,541,487.95

Total Eligible Cost:

Original: 1,673,550.00 Amended: 1,541,487.95

CHANGES TO THE BUDGET

Funding Distribution EG190415

Funding Title: SFAP Green Retrofit Incentive

Funding Type: Grant

Funding Effective Date: 07/01/2018

Funding Expiration Date: 09/30/2023

Funding Source:

Title: SFAP - SFY16 (WQC-2019)

Fund: FD
 Type: State
 Funding Source %: 100%
 Description: Environmental Legacy Stewardship Account (ELSA) - State

Approved Indirect Costs Rate: Approved State Indirect: 30%

Recipient Match %: 0%

InKind Interlocal Allowed: No

InKind Other Allowed: No

Is this Funding Distribution used to match a federal grant? No

SFAP Green Retrofit Incentive	Task Total
Project Administration/Management	\$ 20,263.87
Design Plans and Specs, Environmental Review	\$ 217,550.00

Total: \$ 237,813.87

CHANGES TO THE BUDGET

Funding Distribution EG190414

Funding Title: SFAP

Funding Type: Grant

Funding Effective Date: 07/01/2018

Funding Expiration Date: 09/30/2023

Funding Source:

Title: SFAP - SFY19
 Fund: FD
 Type: State
 Funding Source %: 100%
 Description: Environmental Legacy Stewardship Account (ELSA) - State

Approved Indirect Costs Rate: Approved State Indirect: 30%

Recipient Match %: 25%

InKind Interlocal Allowed: No

InKind Other Allowed: No

Is this Funding Distribution used to match a federal grant? No

SFAP	Task Total
Project Administration/Management	\$ 0.00

Design Plans and Specs, Environmental Review	\$ 1,303,674.08
Construction Management	\$ 0.00
Construction	\$ 0.00

Total: \$ 1,303,674.08

CHANGES TO SCOPE OF WORK

Task Number: 1

Task Cost: \$20,263.87

Task Title: Project Administration/Management

Task Description:

A. The RECIPIENT shall carry out all work necessary to meet ECOLOGY grant or loan administration requirements. Responsibilities include, but are not limited to: maintenance of project records; submittal of requests for reimbursement and corresponding backup documentation; progress reports; and a recipient closeout report (including photos).

B. The RECIPIENT shall maintain documentation demonstrating compliance with applicable procurement, contracting, and interlocal agreement requirements; application for, receipt of, and compliance with all required permits, licenses, easements, or property rights necessary for the project; and submittal of required performance items.

C. The RECIPIENT shall manage the project. Efforts include, but are not limited to: conducting, coordinating, and scheduling project activities and assuring quality control. Every effort will be made to maintain effective communication with the RECIPIENT's designees; ECOLOGY; all affected local, state, or federal jurisdictions; and any interested individuals or groups. The RECIPIENT shall carry out this project in accordance with any completion dates outlined in this agreement.

Task Goal Statement:

Properly managed and fully documented project that meets ECOLOGY's grant or loan administrative requirements.

Task Expected Outcome:

- * Timely and complete submittal of requests for reimbursement, quarterly progress reports, and RECIPIENT closeout report.
- * Properly maintained project documentation

Deliverables

Number	Description	Due Date
1.1	Quarterly Progress Reports	
1.2	Recipient Closeout Report	

1.3	Project Outcome Summary Report	
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CHANGES TO SCOPE OF WORK

Task Number: 2 **Task Cost:** \$1,521,224.08

Task Title: Design Plans and Specs, Environmental Review

Task Description:

The RECIPIENT shall ensure the following items are completed and provide the associated deliverables to ECOLOGY. The RECIPIENT must approve all materials prior to submitting them to ECOLOGY for acceptance.

A. The RECIPIENT will coordinate the preparation and submittal of State Environmental Policy Act (SEPA) documentation.

B. The RECIPIENT is responsible for application of, receipt of, and compliance with all required local, state, tribal and federal permits, licenses, easements, or property rights necessary for the project.

C. The RECIPIENT will comply with Executive Order (05-05) cultural resources review requirements. To initiate cultural resources review the RECIPIENT will:

1. Submit an ECOLOGY 05-05/106 Form, or a cultural resources survey or assessment completed by a licensed archaeologist to ECOLOGY. All submitted materials must conform to the Washington State Standards for Cultural Resource Reporting (DAHP February 2014).

2. Develop and submit an Inadvertent Discovery Plan (IDP) to ECOLOGY. The RECIPIENT will ensure that all contractors and subcontractors have a copy of the completed IDP prior to and while working on-site. An IDP template may be found on the ECOLOGY website.

Ground disturbing work (including geotechnical investigations) completed prior to receiving written notice to proceed from ECOLOGY shall not be eligible for reimbursement.

D. The RECIPIENT will develop a project Design Report. Projects must be designed in accordance with the Stormwater Management Manual for Eastern Washington, Stormwater Management Manual for Western Washington, or equivalent manual. Project must be reviewed and accepted in writing by ECOLOGY to be eligible for reimbursement.

The RECIPIENT will submit one digital copy of the items listed below to ECOLOGY for review. Reduce design figures to 11x17 inches in size and ensure they are legible.

1. Design Report. For a complete list of required design report elements refer to the ECOLOGY website.

The RECIPIENT agrees to respond to ECOLOGY comments. The RECIPIENT must receive an Ecology Design Report Acceptance Letter prior to proceeding to 90 Percent design.

2. 90 Percent Design Package. At a minimum, this package must include 90 percent plans, specifications, engineer's opinion of cost which includes a schedule of eligible costs, and project construction schedule. For current bid inserts and specifications refer to the ECOLOGY website.

The RECIPIENT agrees to respond to ECOLOGY comments. The RECIPIENT must receive an Ecology 90 Percent Design Acceptance Letter prior to proceeding Final Design.

Task Goal Statement:

The RECIPIENT will complete all design, environmental review, and permitting tasks and respond to ECOLOGY comments in a timely manner.

Task Expected Outcome:

The project will meet the requirements set forth by the State Environmental Policy Act, cultural resource protection requirements, ECOLOGY water quality facility design standards, and all other applicable federal, state, and local laws and regulations.

Deliverables

Number	Description	Due Date
2.1	Copy of SEPA determination documentation. Upload to EAGL and notify Ecology when upload is complete.	
2.2	Submit ECOLOGY 05-05/106 Form and any supplemental cultural resources documentation including Cultural Resource surveys directly to the Ecology Project Manager. Upload the Final Determination Letter to EAGL.	
2.3	Inadvertent Discovery Plan. Upload to EAGL and notify ECOLOGY when upload is complete.	
2.4	Design Report. Upload to EAGL and notify ECOLOGY when upload is complete.	
2.5	Responses to ECOLOGY Design Report comments. Upload to EAGL and notify ECOLOGY when upload is complete.	
2.6	Ecology Design Report Acceptance Letter. Upload to EAGL and notify ECOLOGY when upload is complete.	
2.7	90 Percent Design Package. Upload to EAGL and notify ECOLOGY when upload is complete.	
2.8	Responses to ECOLOGY 90 Percent Design Plan comments. Upload to EAGL and notify ECOLOGY when upload is complete.	

2.9	Ecology 90 Percent Design Acceptance Letter. Upload to EAGL and notify ECOLOGY when upload is complete.	
2.10	List of permits acquired, and environmental review documents. Upload to EAGL and notify ECOLOGY when upload is complete.	

Funding Distribution Summary

Recipient / Ecology Share

Funding Distribution Name	Recipient Match %	Recipient Share	Ecology Share	Total
SFAP	25 %	\$ 325,918.52	\$ 977,755.56	\$ 1,303,674.08
SFAP Green Retrofit Incentive	0 %	\$ 0.00	\$ 237,813.87	\$ 237,813.87
Total		\$ 325,918.52	\$ 1,215,569.43	\$ 1,541,487.95

City of Everett

Reduction of CSOs at Two Snohomish River Outfalls Project

Agreement No. WQC-2019-EverPW-00051

AUTHORIZING SIGNATURES

All other terms and conditions of the original Agreement including any Amendments remain in full force and effect, except as expressly provided by this Amendment.


The signatories to this Amendment represent that they have the authority to execute this Amendment and bind their respective organizations to this Amendment.

This amendment will be effective 09/30/2023.

IN WITNESS WHEREOF: the parties hereto, having read this Amendment in its entirety, including all attachments, do agree in each and every particular and have thus set their hands hereunto.

Washington State
Department of Ecology

City of Everett

By: 
On behalf of
2889ADAF82BC476...
3/8/2024

Vincent McGowan, P.E.
Date
Water Quality
Program Manager

By: 
4B8BF1C8F8904E1...
3/8/2024

Shaun M Bridge
Date
Contact

APPROVED AS TO FORM: OFFICE OF THE CITY
ATTORNEY

By: 
APPROVED AS TO FORM
OFFICE OF THE CITY ATTORNEY
3/8/2024

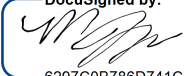
Tim Benedict, Deputy
Date

CITY OF EVERETT

By: 
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3/8/2024

By: Cassie Franklin, Mayor
Date

ATTEST: OFFICE OF THE CITY CLERK

DocuSigned by:

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3/8/2024

Marista Jorve, City Clerk

Date

Template Approved to Form by
Attorney General's Office